

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DONALD R. SELF,

Plaintiff,

v.

9:10-CV-1463  
(GTS/TWD)

THOMAS LAVALLEY, Superintendent;  
KAREN LAPOLT, Deputy Superintendent of Programs;  
STEPHEN ROWE, Captain of Corrections;  
RON ATKINSON, Senior Spv. Counselor; and  
S. HAHN, Officer of Corrections,

Defendants.

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APPEARANCES:

OF COUNSEL:

DONALD R. SELF, 95-B-2539  
Plaintiff, *Pro Se*  
Otisville Correctional Facility  
Box 8  
Otisville, New York 10963

HON. ERIC T. SCHNEIDERMAN  
Attorney General for the State of New York  
Counsel for Defendants  
The Capitol  
Albany, New York 12224

TIFFINAY M. RUTNIK, ESQ.  
Assistant Attorney General

GLENN T. SUDDABY, United States District Judge

**DECISION and ORDER**

Currently before the Court, in this prisoner civil rights action filed *pro se* by Donald R. Self (“Plaintiff”) against the five above-captioned New York State correctional employees (“Defendants”), are Defendants’ motion for summary judgment and United States Magistrate Judge Therese Wiley Dancks’ Report-Recommendation recommending that (1) Plaintiff’s Complaint be dismissed for failure to prosecute and/or comply with a court order pursuant to

Fed. R. Civ. P. 41(b), and (2) that Defendants' motion for summary judgment be denied as moot. (Dkt. Nos. 64, 82.) Plaintiff has not filed an Objection to the Report-Recommendation and the deadline by which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing the relevant filings in this action, the Court can find no clear error in the Report-Recommendation: Magistrate Judge Dancks employed the proper legal standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation in its entirety for the reasons stated therein. (Dkt. No. 82.)

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 82) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

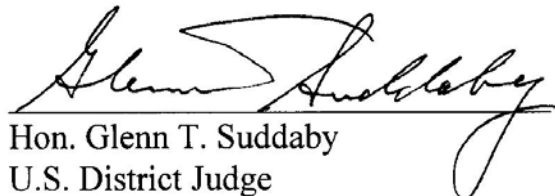
**ORDERED** that Defendant's motion for summary judgment (Dkt. No. 64) is **DENIED** as moot; and it is further

**ORDERED** that Plaintiff's Amended Complaint (Dkt. No. 44) is **DISMISSED**; and it is further

**ORDERED** that the Clerk is directed to enter a Judgment for Defendants and **CLOSE** this case.

The Court certifies, for purposes of 28 U.S.C. § 1915(a)(3), that any appeal taken from this Decision and Order would not be taken in good faith.

Dated: January 23 , 2015  
Syracuse, New York

  
Hon. Glenn T. Suddaby  
U.S. District Judge